

Notice of Allowability



Application No.

09/482,688

Examiner

Frank I Choi

Applicant(s)

GARDINER ET AL.

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response (12/29/2003).
2. ☒ The allowed claim(s) is/are 25[renumbered as claim 1], 69-87[renumbered as claims 2-20].
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

Reasons for Allowance

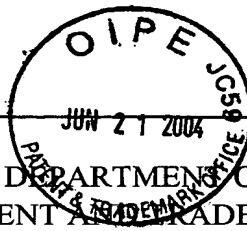
5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached ~~EXAMINER'S AMENDMENT~~ or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20031229, 20040126
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Michael G. Hartley
MICHAEL G. HARTLEY
PRIMARY EXAMINER



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER

Docket Number:
11411/11501

Application No.
09/482,688

Filing Date
January 13, 2000

Examiner
Frank I. Choi

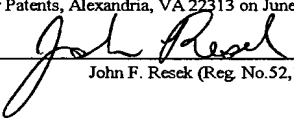
Art Unit
1616

Invention Title
**FOOD SUPPLEMENT FOR INCREASING LEAN
MASS AND STRENGTH**

Inventor(s)
Paul T. GARDINER et al.

Address to:
Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States
Postal Service as first class mail in an envelope addressed to: Mail Stop: Issue Fee,
Commissioner for Patents, Alexandria, VA 22313 on June 18, 2004.


John F. Resek (Reg. No. 52,162)

Sir:

In response to the Notice of Allowability dated March 23, 2004, please find the following
documents to be filed in connection with the above-referenced application:

1. Copy of the Notice of Allowability dated March 23, 2004;
2. Executed Declarations and Powers of Attorney for the following inventors: Paul T. Gardiner, Derek E. Woodgate, Mark S. Gilbert, and Robert W. Thoburn (4 sets);
3. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**:
 - A. Any additional filing fees required under 37 C.F.R. § 1.16;
 - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
 - C. Any additional patent issue fees under 37 C.F.R. § 1.18;
 - D. Any additional document supply fees under 37 C.F.R. § 1.19;
 - E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
 - F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.

3. A duplicate copy of this sheet is enclosed.

Dated:

Jan 18, 2004

By:

John F. Resek
John F. Resek (Reg. No. 52,162)

KENYON & KENYON

One Broadway

New York, N.Y. 10004

(212) 425-7200 (telephone)

(212) 425-5288 (facsimile)

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